

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00105

KEVIN T. ERWIN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 7, 2016, the United States of America appeared by Eric P. Bacaj, Assistant United States Attorney, and the defendant, Kevin T. Erwin, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a twenty-five month term of supervised release in this action on September 2, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on May 23, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed methamphetamine as evidenced by his signature on a voluntary admission form on September 27, 2016, confirming his use on or about September 25, 2016; (2) the defendant failed to provide an address and contact information as directed by the probation officer on September 27, 2016, rendering his whereabouts unknown; (3) the defendant failed to report for substance abuse counseling as directed on September 28, 2016; and (4) the defendant failed to abide by the special condition that he spend a period of five months at Dismas Charities inasmuch as he began his placement on September 2, 2016, and left of his own accord on September 25, 2016; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously


imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS. Restitution is reimposed in the amount of \$193.17 with payments to begin two months after the defendant's release from imprisonment at the rate of \$50 per month, with payment due on the first day of each month until paid in full.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 9, 2016


John T. Copenhaver, Jr.
United States District Judge